

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASSOCIATION OF AMERICAN
UNIVERSITIES, *et al.*,

Plaintiffs,

v.

NATIONAL SCIENCE FOUNDATION, *et al.*,

Defendants.

Case No. 1:25-cv-11231

**DEFENDANTS' NOTICE
IN RESPONSE TO THE COURT'S MAY 14, 2025 ORDER (DOC NO. 48)**

Defendants submit this notice in response to the Court's May 14, 2025 Order.

Doc No. 48. In the Order, the Court established a schedule for briefing and hearings on Plaintiffs' Motions for Preliminary Injunction and Summary Judgment. The Court stated: "In the event that Defendants agree to stay implementation of the NSF Policy Notice: Implementation of Standard 15% Indirect Cost Rate, NSF 25-034, through the date of the hearing on Plaintiffs' request for Summary Judgment, the court will cancel the separate preliminary injunction briefing and hearing schedule and proceed on the Summary Judgment schedule."

Defendants confirm that, pursuant to the Court's May 14, 2025 Order, Defendants will stay implementation of the NSF Policy Notice: Implementation of Standard 15% Indirect Cost Rate, NSF 25-034, through June 13, the date of the hearing on Plaintiffs' request for Summary Judgment. Any new awards issued by Defendants during the stay will state that, pursuant to the Court's May 14, 2025 Order, NSF is not implementing the

new policy, and that, if Plaintiffs' complaint is dismissed or the Court enters judgment for Defendants, the new policy will apply from the date of the award.

Consistent with the Court's May 14, 2025 Order, Defendants understand that briefing and the hearing on Plaintiffs' Motion for a Preliminary Injunction will be canceled and that Defendants' combined Opposition to Plaintiffs' request for Summary Judgment and Cross-Motion for Summary Judgment is due no later than May 27, 2025.

Dated: May 16, 2025

Respectfully submitted,

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Acting Assistant Attorney General

LEAH B. FOLEY
United States Attorney

BRIAN C. LEA
Deputy Associate Attorney General

KIRK T. MANHARDT
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/s/ Marc S. Sacks
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: May 16, 2025

/s/ Marc S. Sacks
Marc S. Sacks